

REMARKS

In the Office Action, the Examiner rejected claims 1-4, 10-16, and 18-20 under 35 U.S.C. 102(e) as being unpatentable over Gardenswartz et al. (US 6,055,573, "Gardenswartz"). The Examiner rejected claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Gardenswartz et al. in view of Lech (U.S. 5,258,855). The Examiner rejected claim 7 and 8 under 35 U.S.C. 103(a) as being patentable over Gardenswartz in view of Wilson (U.S. 5,864,827). The Examiner rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Gardenswartz in view of Booth (U.S. 5,738,351). The Examiner rejected claim 17 under 35 U.S.C. 103(a) as being unpatentable over Gardenswartz in view of McCall (U.S. 6,152,591). The Examiner rejected claims 21-24 and 29-32 under 35 U.S.C. 103(a) as being unpatentable over Gardenswartz in view of Deaton (U.S. 5,687-322). The Examiner rejected claims 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over Gardenswartz in view of Deaton and further in view of Lech. The Examiner rejected claims 27 and 28 under 35 U.S.C. 103(a) as being unpatentable over Gardenswartz in view of Deaton and in further view of Wilson.

In response the Applicants have amended independent claims 1 and 21 and have cancelled claims 13-20. Applicants will address the provisional double patenting rejection at a later date, if required.

Gardenswartz does not anticipate amended claims 1-4, 10-16, and 18-20.

Gardenswartz is directed to a method, system, and computer program product for delivering targeted advertisements (abstract). The targeted advertisements of Gardenswartz are based on the observed offline purchase history of a consumer and delivered via online means (abstract, col. 7, lines 11-24, col. 7, line 64-col. 8, line 9, col. 13, line 51 - col. 15. line 18). Applicants direct the Examiner to the language at col. 14, lines 18-20: "[t]hus, in steps 78

through 82, targeted advertisements are delivered *online* to the consumer based on the consumer's observed or actual offline purchase behavior."

Amended independent claim 1 is directed to a method for utilizing accumulated online consumer sales transaction data in a system comprising a plurality of sales transaction servers and a main database server. Amended claim 1 includes retrieving the online consumer sales transaction data by the main database server from the plurality of consumer transaction servers, the online consumer sales transaction data corresponding to online consumer sales serviced by the plurality of consumer sales transaction servers. Amended claim 1 further includes processing the online consumer sales transaction data by the main database server to create processed consumer sales transaction data relating to the online sales of a specific consumer. Amended claim 1 further includes targeting the specific consumer with offline advertisements based upon the processed consumer sales transaction data. These limitations are not disclosed, suggested, or taught by Gardenswartz and amended claim 1 is not anticipated by this reference. In fact, Gardenswartz teaches away from amended claim 1 in that Gardenswartz teaches using offline data for online purposes, opposite of the limitations of amended claim 1. Thus, Gardenswartz does not anticipate amended claim 1 and amended claim 1 is allowable. Claims 2-12 depend from claim 1 and are allowable for these same reasons.

The other cited references fail to meet the shortcomings of Gardenswartz

The other cited references fail to meet the shortcomings of Gardenswartz. Thus, Gardenswartz in combination with any of these references fails to render any of amended claims 1-12 and 21- 32 obvious.

Conclusions

All pending claims are now allowable and a notice of allowance is courteously solicited.

Please direct any questions or comments to the undersigned attorney at the address indicated.

Respectfully submitted,

Date: June 23, 2004

By: 

Bruce E. Garlick, Reg. 36,520

Garlick, Harrison & Markison, LLP

P.O. Box 160727

Austin, Texas 78716-0727

(512) 264-8816

(512) 264-3735 fax